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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2296 OF 2007

Kalyan Dombivli Municipal Corporation ... Petitioner

V/s

Shri Prakash Tukaram Sanas & ors. ... Respondents

Mr. A.S. Rao for the petitioner.

Mr. Amol Desai for the respondents.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 27TH AUGUST, 2007.

P.C.:

1. This petition challenges the order of the Industrial Court passed in Complaint (ULP) No. 326 of 2006 by way of an interim relief.

2. The complainants, the respondents herein, were appointed on probation in different posts. However, according to them, they were not paid increments in accordance with the appointment letters issued to them nor were they confirmed despite having completed 240 days in service. A complaint has been filed under Items 5 and 9 of Schedule IV of the M.R.T.U. & P.U.L.P. Act by the respondents.

3. On 22.6.2007, this Court had stayed the order of the Industrial Court to the extent that it has directed the release of increments of the complainants in accordance with the appointment letters. This order was passed because in a similar complaint, being Complaint (ULP) No. 48 of 2007, the Industrial Court had refused the interim relief. That complaint has been withdrawn on 14.8.2007. Hence, it is only the orders passed against Complaint (ULP) No. 326 of 2006 which will be relevant.

4. The learned advocate for the petitioner submits that the respondents have not been appointed on sanctioned posts and, therefore, increments cannot be released to them. He also submits that the Industrial Court erred in granting final relief to the workmen.

5. In my opinion, the submission that the Industrial Court has granted final relief cannot be accepted. Besides the release of increments which is prayed for in the complaint, several other prayers are sought by the respondent No.1. The submissions of the learned advocate for the petitioner are without merit. The order of the Industrial Court is an interim order which need not be interfered with. Prima facie, it appears that the increments must be paid to the workmen in view

of appointment letters issued to them, which fix their wages in a time scale. Annual increments would thus be payable to the respondent No.1, prima facie.

6. In such circumstances, petition is rejected.

7. Mr. Rao, learned advocate for the petitioner seeks stay of this order. Stay refused.

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